

REMARKS

The Applicant wishes to thank the Examiner for thoroughly reviewing and considering the pending application. The Final Office Action dated May 31, 2006 and the Advisory Action dated October 18, 2006 have been received and carefully reviewed. Claims 1, 3, 7 and 8 have been amended. Accordingly, claims 1-9 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action rejected claims 1-8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, as discussed in the Office Action. Claims 1, 3, 7 and 8 have been amended to more clearly recite the invention. Accordingly, the Applicant requests that the Examiner withdraw this rejection.

The Office Action rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, as discussed in the Office Action. As stated above, claims 1, 3, 7 and 8 have been amended. Thus, the Applicant requests that the Examiner withdraw this rejection.

The Office Action rejected claims 1-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0041390 to *Kim et al.* (hereinafter “*Kim*”). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” The Applicant respectfully submits that *Kim* does not teach every element recited in claims 1-9. Thus, *Kim* cannot anticipate these claims.

Claim 1 has been amended to recite a washing machine control method comprising, among other features, “counting a number of times water is re-supplied to the washing machine, comparing the number of times water is re-supplied to a pre-determined value, and resetting the initial second water level to a reset second water level based on the comparison.” Claim 9 recites a washing machine control method comprising, among other features “counting a number of

number of times the tub has been refilled to the initial water level; comparing the number of times the tub is refilled with a predetermined number; and resetting the minimum water level based upon the comparison between the number of times the tub is refilled and the predetermined number.” The Applicant submits that *Kim* does not disclose these features.

In the Advisory Action dated October 18, 2006, the Examiner states that *Kim* teaches in Figures 2-4 and column 5, line 20-column 7, line 65, “counting a number of water re-supply times and comparing the number to a predetermined value and adjusting setting when the number exceed the predetermined value.” While *Kim* appears to teach calculating “the number of water resupply times,” summing “the number of water resupply times” and dividing “the number of water resupply times... into three time zones,” see paragraph 45, lines 1-3, and paragraph 45, lines 6-10 of *Kim*, is not the same as “comparing the number of times water is re-supplied to a pre-determined value; and resetting the initial second water level to a reset second water level based on the comparison,” as required by the independent claims 1 and 9. Specifically, *Kim* does not disclose “resetting the initial second water level to a reset second water level.”

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 9 are patentably distinguishable over *Kim*, and requests that the rejection be withdrawn. Likewise, claims 2-8, which depend from claim 1 are also patentable for at least the same reason as discussed above.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant’s representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

Application No.: 10/720,748
Amdt. dated November 30, 2006
Reply to Office Action dated October 18, 2005

Docket No.: 9988.091.00

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: November 30, 2006

Respectfully submitted,

By _____

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